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From: Roland Bartl

Sent: Tuesday, October 02, 2007 11:50 AM

To: H.W. Flood

Cc: Planning Department; Wireless Communications Facilities Bylaw Committee

Subject: RE: FURTHER CRISPING OF THE CELL PHONE BY LAW

Bill:

Without specifics, I am bit at a loss over your alarm. I won't have time available for a while to look into this deeper.

In general, the Wireless Special Permit Rules and Regulations were written to spell out the procedural requirements for the special permit, which are pretty much standard for all zoning special permits. The Rules and Regulations also list what applicants must submit in their application. Some of these requirements are standard, mundane, and universal to all special permit applications. Many others are tailored to the specific concerns of wireless facilities and intended to provide the Planning Board with the information and tools to make its decisions under the zoning bylaw in effect before the April 2007 Town Meeting. No Rules & Regulations can undermine or be in conflict with the Bylaw or Mass. General Law. If there is an accidental discrepancy, then the Bylaw and General rule. However, I am not aware that there are any discrepancies.

At this time the special permit is suspended due to the moratorium. So, it does not matter what Rules and Regulations we have or don't have.

Going forward, I would suggest that the committee focus on the zoning bylaw rewrite while keeping in mind the purpose and function of the Rules and Regulations. Once a new zoning bylaw section for Personal Wireless Facilities is completed and adopted at Town Meeting, only then does it make sense for the Planning Board to re-write its Rules & Regulations. In the meantime, the Committee should keep a laundry list of applicant information and documentation items that it recommends the Planning Board should consider for inclusion in the Rules and Regulations, and this list should include any specific items that raised your particular concerns.

Regards -

Roland Bartl, AICP

Planning Director, Town of Acton

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-----Original Message-----

From: H.W. Flood

Sent: Sunday, September 30, 2007 7:36 PM

To: Planning Department

Subject: FURTHER CRISPING OF THE CELL PHONE BY LAW

ROLAND:

The Rules and Regulations for a Wireless Communications Facility Special Permit was received and scared the pants off me. It seems to me that our

ideas for "Crisping Up the Cell Tower Bylaw" will require substantial rethinking, at least on my part. As I have thumbed through this document, I note that this very voluminous set of directions can be modified by the Planning Board. I feel that our work on the Bylaw must also include a careful review of the Rules and Regulations. As I see it, and I may be unduly paranoid, these R&R could be in direct conflict with the Town Bylaw and applicable general laws. I also wonder how the Town can be sure that the Bylaw, as approved by the Town, has not been countermanded, or modified, by the R&R. I am also concerned that much of our discussions of the elements needed in a new, properly constructed Bylaw have already been covered, but not necessarily as we wish, in the existing R&R.

In short, I think that we, the committee, must rationalize the R&R with the proposed new Bylaw and then, somehow, make sure that the new Bylaw is not compromised, inadvertently or purposely.

I hope that I am not off base on this. I am anxious to be able to assure the Town Meeting that their wishes are not followed by a Planning Board that does not agree with the approved Bylaw.

Regards: H.W.Flood, PE